

**REPUBLIC OF SLOVENIA<sup>1</sup>**

**National Procedures for Extradition**

**Updated 03/12/2020**

<b>The Central Authority responsible for extradition</b>	Ministry of Justice of the Republic of Slovenia Office for International Cooperation and International Legal Assistance International Legal Assistance Division Župančičeva 3 SI – 1000 Ljubljana  Tel: +386 1 369 53 94 Fax: +386 1 369 52 33 E-mail: <a href="mailto:gp.mp@gov.si">gp.mp@gov.si</a>  <a href="https://www.gov.si/en/state-authorities/ministries/ministry-of-justice/about-the-ministry-of-justice">https://www.gov.si/en/state-authorities/ministries/ministry-of-justice/about-the-ministry-of-justice</a>
If different from the Central Authority, the authority to which the request should be sent	/
<b>Channels of communication</b> for the request for extradition:  (directly, through diplomatic channels or other)	Through Ministry of Justice or through Interpol.
<b>Means of communication</b> (eg. by post, fax, e-mail <sup>2</sup> ):	By post, fax or e-mail. Encryption or electronic signature is not required.
<b>Language requirements:</b>	Slovenian, English or French
<b>Documentation required:</b>	See Article 12, para 2.

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<sup>1</sup> Please indicate your state.

<sup>2</sup> Please indicate if encryption or electronic signature is required.

<b>Provisional arrest:</b>	<b>Time limit for presentation of formal extradition request if the person is in provisional arrest</b>	See Article 16, para 4.
	<b>Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?</b>	Yes.

<b>Extradition procedures:</b>	<p><u>Normal extradition procedure</u></p> <p>Passive procedure</p> <p>The extradition procedure is a two-staged procedure, divided between judicial authorities (competent courts) and administrative authority (ministry of justice).</p> <p>In the first part, court must hear the person and if necessary, execute other measures necessary for the adoption of the decision whether the conditions for extradition are met or there are any optional or mandatory grounds for refusal or postponement the extradition. After the court decision becomes final, the Minister of Justice issues the decision on extradition in the administrative stage of extradition procedure.</p> <p>Basic steps of the procedure are as follows:</p> <ul style="list-style-type: none"> <li>- the investigative judge hears the person, examines the request and documentation, executes other relevant measures and provides the opinion on the case. The opinion is sent to the panel of three judges of the territorially competent District court for the adoption of the decision on extradition;</li> <li>- if the panel decides that conditions for the extradition are met, the accused may lodge an appeal to the higher court - the decision of the higher court is final. If the decision of the district court is confirmed, the case is sent to the Ministry of justice;</li> <li>- if the panel decides that conditions are not met, the file is ex officio sent to the Higher Court and the decision of the Higher Court is final - there is no decision of the minister (minister is bound by the judicial decision);</li> <li>- if the judicial decision is positive (preconditions for extradition are fulfilled), the file is sent to the minister of justice for the final decision. The Minister of Justice shall not grant the extradition of a foreigner if the person has been granted international protection or if a political or military criminal offence is involved. The Minister of Justice may as well postpone the extradition or allow the temporary extradition.</li> </ul>
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	<p>The decision on extradition is limited with the speciality principle.</p> <ul style="list-style-type: none"> <li>- There is a possibility of judicial review against the decision of the Minister of Justice - an action against the decision of the Minister of Justice on the extradition of a foreigner whose extradition is requested may be brought before an administrative court. The action itself however does not have suspensive effect, unless the court issues a provisional measure.</li> </ul> <p>Structure of the extradition procedure applies mutatis mutandis also in the procedure for the consent for the criminal prosecution or enforcement of sentence for acts committed prior to the extradition.</p> <p><u>Simplified extradition procedure</u></p> <p>Precondition for the execution of the simplified extradition procedure is consent of the requested person. If the person at the "extradition" hearing consents to the extradition and all conditions for the extradition are met, investigating judge adopts the decision on extradition. The decision on extradition could be adopted even without the submission of the formal request for extradition, solely based on the Interpol red notice or the request for provisional arrest. Final decision of the investigative judge is sent to the Ministry of Justice who merely notifies the requesting state and Interpol about the decision. Within the simplified extradition procedure, the requested person may also renounce to the speciality principle; however, the consent and the renouncement are not connected. If there is no special renouncement, the speciality principle applies as in regular extradition proceedings.</p>
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<p><b>Detention</b> before and after the receipt of the extradition request: (deadlines, conditional release, etc)</p>	<p><u>Provisional extradition detention</u></p> <p>Provisional extradition detention may be imposed against the person on the basis of the request for the provisional extradition detention as well as Interpol red notice, since the latter is equivalent to the request.</p> <p>Person arrested on the basis of the international arrest warrant is without undue delay brought to the investigative judge of the territorially competent District Court, who hears the person, informs him on the reasons of the arrest, as well, as adopts appropriate decision on the measures to secure his presence within the extradition procedure, unless it is clear from the documentation that the extradition is inadmissible.</p> <p>Duration of the provisional extradition detention is determined in accordance with the provisions of the specific legal basis. In most cases the legal basis for the extradition is European convention on extradition, however some bilateral agreements are also used in practice, due to their specific advantages.</p>
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	<p><u>Extradition detention</u></p> <p>Time limit, conditions and other relevant issues related to the extradition detention are regulated by the Criminal Procedural Act. Maximum period of the entire extradition detention is 30 months (provisional extradition detention is also included), however the detention must be lifted immediately when its length meets or exceeds the imposed criminal sanction of a foreign country or the maximum prescribed sentence that the law of the requesting state prescribes for the criminal offence for which the extradition is requested.</p> <p>As alternative to the provisional extradition detention or extradition detention also other measures for the insurance of the presence of the accused may be imposed, such as bail, house arrest, reporting to the police station, etc.</p>
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<p><b>Statutes of limitation</b> for the purpose of prosecution and for the execution of sentences: (general principles)</p>	<p>The Status of limitation for the purpose of prosecution and execution of sentences are regulated in Criminal Code of Republic of Slovenia, Chapter Eleven and read as follows:</p> <p style="text-align: center;">STATUTE OF LIMITATIONS Limitation of Criminal Prosecution Article 90</p> <p>(1) Except where otherwise determine in this Penal Code, criminal prosecution is barred from taking place:</p> <ol style="list-style-type: none"> <li>1) fifty years from the committing of a criminal offence, for which a prison sentence of thirty years may be imposed under the statute unless non-applicability of statute of limitations applies to the offence;</li> <li>2) thirty years from the committing of a criminal offence, for which a prison sentence of over ten years may be imposed under the statute;</li> <li>3) twenty years from the committing of a criminal offence, for which a prison sentence of over five years may be imposed under the statute;</li> <li>4) ten years from the committing of a criminal offence, for which a prison sentence of over one year may be imposed under the statute;</li> <li>5) six years from the committing of a criminal offence, for which a prison sentence of up to one year or a fine may be imposed under the statute.</li> </ol> <p>(2) If more than one sentence is prescribed for a criminal offence, the time limit referring to the most severe sentence shall apply to the offence in question.</p> <p>(3) Irrespective of paragraph 1 of this Article, the time limit for statute of limitations in criminal offences against sexual inviolability and criminal offences against marriage, family or youth, committed</p>
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against a minor, shall begin when the injured person becomes an adult.

Progress and Interruption of the Limitation  
of Criminal Prosecution  
Article 91

(1) The period of the limitation of criminal prosecution shall start on the day the criminal offence was committed.

(2) If the final judgement in the proceeding for extraordinary legal remedy is annulled, the statute of limitations in the new trial shall be two years from the annulment of the final judgement.

(3) The statute of limitation shall be suspended for the time when the prosecution may not be initiated or continued, or when the perpetrator is unreachable for state authorities.

(4) The statute of limitation shall be interrupted if the perpetrator commits a further criminal offence of the same or greater seriousness before such a period has ended; after an interruption a new period of limitation shall start.

Limitation of Implementation of the Sentence  
Article 92

Unless otherwise provided by this Code, the imposed sentence may not be enforced after a lapse of:

- 1) fifty years from the imposition of a prison sentence of thirty years, unless the offence does not fall under the statute of limitations;
- 2) thirty years from the imposition of a prison sentence of more than ten years;
- 3) twenty years from the imposition of a prison sentence of more than five years;
- 4) ten years from the imposition of a prison sentence of more than one year;
- 5) six years from the imposition of a prison sentence of up to one year or a fine.

Limitation of the Implementation of Accessory Sentences  
and Safety Measures  
Article 93

(1) The execution of a fine imposed as an accessory sentence shall fall under the statute of limitations after the lapse of four years from the final judgment, which imposed such a sentence.

(2) The execution of revoking a driving license as an accessory sentence shall fall under the statute of limitations upon the lapse of the period of limitation provided for the principal sentence.

(3) The implementation of the safety measures of compulsory psychiatric treatment and confinement in a health institution, compulsory psychiatric treatment at liberty, a restraining order against the victim, driving licence revocation and confiscation of items shall be statute-barred after a lapse of six years from the date when the final judgment imposing such measures becomes final.

(4) The implementation of the safety measure prohibiting an offender to perform an occupation shall be barred by the lapse of time, for which such a measure has been ordered.

Progress and Interruption of the Limitation  
of the Implementation of Sentence  
Article 94

(1) The time limit for the implementation of a sentence shall run from the day the judgment becomes final; in the event of the revoking of a suspended sentence, the time limit shall run from the day the written order on the revoking becomes formal.

(2) The time limit shall be suspended during the time, in which the sentence may not be implemented according to the statute.

(3) The time limit for the implementation of a sentence shall not apply during the time when the convicted person ignores an order to serve a prison sentence or when the commencement of serving sentence cannot be provided since the person is on the run, is hiding or is in any other way evading the enforcement of the sentence or is in any other way inaccessible to the national authorities or when the commencement of serving the sentence is postponed according to the law.

(4) The time limit for the implementation of a sentence of imprisonment shall be interrupted on the day the sentence is executed. If the offender escapes from the prison, the execution of the remaining part of the sentence shall not fall under the statute of limitations.

(5) Paragraph 2 and paragraph 3 of this Article shall also apply to the statute of limitations for safety measures.

Inapplicability of the Statute of Limitations to Criminal Offences  
Article 95

(1) Criminal prosecution and implementation of a sentence shall not be prevented for criminal offences, for which a life sentence may be imposed pursuant to this Penal Code, for criminal offences under Articles 100 to 105 of this Penal Code (Genocide, Crimes against Humanity, War Crimes, Aggression, Liability of Military Commanders and Other Superiors, Association and Incitement to Genocide, Crimes against Humanity or Aggression), as well as for the criminal offences, the prosecution of which may not be prevented under international agreements.

(2) Implementation of a life sentence shall not fall under the statute of limitations.

<b>Provisions concerning extradition of nationals:</b>	With reference to Article 47 of the Constitution of the Republic of Slovenia, the extradition of nationals of Republic is not possible.
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<b>Surrender:</b> (eg. deadlines)	<p>See Article 18.</p> <p>Competent authority for the execution of the surrender as well as necessary arrangements regarding time, manner and place of the surrender is:</p> <p>Criminal Police Directorate, International Police Cooperation Division Štefanova 2, 1000 Ljubljana</p> <p>24/7 Mobile no.: +386 41 713 680 N.C. tel.no.: +386 1 428 4780 Fax: +386 1 251 7516 E-mail: <a href="mailto:interpol.ljubljana@policija.si">interpol.ljubljana@policija.si</a> <a href="mailto:sirene.slovenija@policija">sirene.slovenija@policija</a></p>
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<b>Other relevant information:</b> (such as specific requirements concerning double criminality)	/
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<b>Links</b> to national legislation, national guides on procedure:	<p>Extradition is regulated by the Criminal Procedure Act of the Republic of Slovenia, Chapter XXXI:</p> <p><a href="https://www.uradni-list.si/1/objava.jsp?sop=2012-01-1405">https://www.uradni-list.si/1/objava.jsp?sop=2012-01-1405</a></p> <p><a href="https://www.uradni-list.si/1/objava.jsp?sop=2014-01-3503">https://www.uradni-list.si/1/objava.jsp?sop=2014-01-3503</a></p> <p><a href="https://www.uradni-list.si/1/objava.jsp?sop=2019-01-0915">https://www.uradni-list.si/1/objava.jsp?sop=2019-01-0915</a></p> <p>General information on the Slovenian judicial system are available at the webpage of the Ministry of Justice of Republic of Slovenia at:</p> <p><a href="https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-pravosodje/">https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-pravosodje/</a></p>
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